

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 04, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Ginn, Byron Thomas

Docket No.

2:19CR00033-RMP-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Byron Thomas Ginn, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the Court at Spokane, Washington, on the 13th day of March 2019, under the following conditions:

Standard Condition #1: Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defendant counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Byron Thomas Ginn is alleged to have violated his condition of pretrial release supervision by being arrested for driving under the influence on February 11, 2021.

On March 15, 2019, the conditions of pretrial release supervision were reviewed with Mr. Ginn. Mr. Ginn acknowledged an understanding of the conditions, which included standard condition number 1.

The following information was obtained from Washington State Patrol report number 21-002665.

On February 11, 2021, at 7:13 p.m., a trooper with the Washington State Patrol (WSP) was advised by the WSP communications center that a Spokane County sheriff's deputy requested assistance for a possible driving under the influence (DUI) investigation on State Route 2 in Spokane County, Washington.

The trooper arrived at the scene at 7:20 p.m. and contacted a Spokane County sheriff's deputy. The deputy advised he had been traveling westbound on State Route 2 in his fully marked police vehicle. The deputy observed a red pickup truck traveling westbound on the roadway. The vehicle drifted onto the shoulder of the road on two occasions. Subsequently, the deputy initiated a traffic stop. The driver, later identified as Mr. Ginn, had delayed movements and an odor of intoxicants was coming from the vehicle.

Upon arrival, the trooper went to the vehicle and contacted Mr. Ginn. The trooper could smell the strong odor of intoxicants emanating from the vehicle. Mr. Ginn's eyelids were droopy and his eyes were watery and bloodshot. His movements were slow and delayed.

Upon the trooper's request, Mr. Ginn exited the vehicle. Mr. Ginn slowly exited the vehicle and used the vehicle for balance. He swayed and staggered as he walked toward the trooper. The trooper could smell the obvious odor of intoxicants emanating from Mr. Ginn. Mr. Ginn told the trooper he had one beer approximately 1 hour earlier. He agreed to voluntary field sobriety testing, in which he was unable to complete the tests. Mr. Ginn also provided a breath sample that had a blood alcohol concentration (BAC) of .209.

Based on the totality of circumstances, the trooper placed Mr. Ginn under arrest for driving under the influence of alcohol (DUI) and transported him to the Spokane County Public Safety Building (PSB). Once at the PSB, Mr. Ginn provided two independent breath samples that had results of approximately .221 and .228 BAC.

Re: Ginn, Byron Thomas
March 3, 2021
Page 2

Mr. Ginn was then booked into the Spokane County Jail for DUI.

On February 12, 2021, Mr. Ginn was formally charged with DUI in Spokane County District Court, case number 1A0242510. On February 12, 2021, Mr. Ginn appeared in Spokane County District Court and was released with conditions. Mr. Ginn's next scheduled appearance in Spokane County District Court is April 12, 2021.

PRAYING THAT THE COURT WILL MODIFY CONDITIONS OF PRETRIAL RELEASE SUPERVISION

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: March 3, 2021

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Modify the conditions of release as noted in the attached
PS42 document.



Signature of Judicial Officer

March 4, 2021

Date